

HOUSE BILL No. 1197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-33.

Synopsis: Gaming matters. Provides that the Indiana gaming commission's annual report is due on September 1 instead of March 1. Authorizes the commission to adopt rules to implement a voluntary exclusion program for problem gamblers. Provides for an alternative certification by the commission if the United States Coast Guard discontinues inspecting riverboats. Provides that civil penalties imposed upon gaming suppliers are equal to the greater of \$5,000 or 5% of the supplier's sales to the riverboats in the 12 months preceding the disciplinary action.

Effective: January 1, 2003 (retroactive); July 1, 2003.

Lytle

January 8, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1197

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-33-3-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:
3 Sec. 22. (a) The commission shall file a written annual report with the
4 governor before ~~March~~ **September** 1 of each year. The commission
5 shall file any additional reports that the governor requests.
6 (b) The annual report filed under this section must include a
7 statement describing the following:
8 (1) The receipts and disbursements of the commission.
9 (2) Actions taken by the commission.
10 (3) Any additional information and recommendations that:
11 (A) the commission considers useful; or
12 (B) the governor requests.
13 SECTION 2. IC 4-33-4-3, AS AMENDED BY P.L.14-2000,
14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2003]: Sec. 3. (a) The commission shall do the following:
16 (1) Adopt rules that the commission determines necessary to
17 protect or enhance the following:



C
o
p
y

- 1 (A) The credibility and integrity of gambling operations
- 2 authorized by this article.
- 3 (B) The regulatory process provided in this article.
- 4 (C) The natural environment and scenic beauty of Patoka
- 5 Lake.
- 6 (2) Conduct all hearings concerning civil violations of this article.
- 7 (3) Provide for the establishment and collection of license fees
- 8 and taxes imposed under this article.
- 9 (4) Deposit the license fees and taxes in the state gaming fund
- 10 established by IC 4-33-13.
- 11 (5) Levy and collect penalties for noncriminal violations of this
- 12 article.
- 13 (6) Deposit the penalties in the state gaming fund established by
- 14 IC 4-33-13.
- 15 (7) Be present through the commission's inspectors and agents
- 16 during the time gambling operations are conducted on a riverboat
- 17 to do the following:
- 18 (A) Certify the revenue received by a riverboat.
- 19 (B) Receive complaints from the public.
- 20 (C) Conduct other investigations into the conduct of the
- 21 gambling games and the maintenance of the equipment that
- 22 the commission considers necessary and proper.
- 23 (D) With respect to riverboats that operate on Patoka Lake,
- 24 ensure compliance with the following:
- 25 (i) IC 14-26-2-6.
- 26 (ii) IC 14-26-2-7.
- 27 (iii) IC 14-28-1.
- 28 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
- 29 commission determines that:
- 30 (A) the need for a rule is so immediate and substantial that
- 31 rulemaking procedures under IC 4-22-2-13 through
- 32 IC 4-22-2-36 are inadequate to address the need; and
- 33 (B) an emergency rule is likely to address the need.
- 34 **(9) Adopt rules to establish and implement a voluntary**
- 35 **program for the exclusion from riverboats of certain patrons**
- 36 **who wish to participate in the voluntary exclusion program.**
- 37 (b) The commission shall begin rulemaking procedures under
- 38 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
- 39 under subsection (a)(8) not later than thirty (30) days after the adoption
- 40 of the emergency rule under subsection (a)(8).
- 41 **(c) Rules adopted under subsection (a)(9) must provide the**
- 42 **following:**

C
o
p
y



(1) That a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat at any time after the date the person enters the program.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all riverboats.

(3) That a person who participates in the voluntary exclusion program may not petition the commission for readmittance onto a riverboat.

(4) That the list of patrons entering the voluntary exclusion program is confidential and may only be disseminated by the commission to the riverboat owners for purposes of enforcement.

(5) That the personal information of a person who participates in the voluntary exclusion program is confidential.

(6) That a riverboat owner shall cease all direct marketing efforts to a person participating in the program.

(7) That a riverboat owner may not cash the check of a person participating in the program. However, the voluntary exclusion program does not preclude a riverboat owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 3. IC 4-33-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from riverboat gambling facilities if:

(1) the person's name is on the list of persons voluntarily excluding themselves from all riverboats under the rules of the commission adopted under section 3 of this chapter;

(+) (2) the person violates this article; or

(2) (3) the commission determines that the person's conduct or reputation is such that the person's presence within the riverboat gambling facilities may:

(A) call into question the honesty and integrity of the gambling operations; or

(B) interfere with the orderly conduct of the gambling operations.

(b) A person, **other than a person participating in a voluntary exclusion program**, may petition the commission for a hearing on the person's ejection or exclusion under this section.

SECTION 4. IC 4-33-4-8 IS AMENDED TO READ AS FOLLOWS

C
o
p
y



[EFFECTIVE JULY 1, 2003]: Sec. 8. If a licensee or an employee of a licensee violates this article or engages in a fraudulent act, the commission may do any combination of the following:

- (1) Suspend, revoke, or restrict the license of the licensee.
- (2) Require the removal of a licensee or an employee of a licensee.
- (3) Impose a civil penalty of not more than five thousand dollars (\$5,000) against an individual who has been issued an occupational license ~~or a person who has been issued a supplier's license~~ for each violation of this article.
- (4) Impose a civil penalty of not more than the greater of:
 - (A) ten thousand dollars (\$10,000); or
 - (B) an amount equal to the licensee's daily gross receipts for the day of the violation;
 against an owner for each violation of this article.

(5) Impose a civil penalty of not more than the greater of:

- (A) five thousand dollars (\$5,000); or**
- (B) an amount equal to:**

- (i) the licensee's total sales to riverboats licensed under this article in the twelve (12) months preceding the date of the disciplinary action; multiplied by**
- (ii) five percent (5%);**

against a person who has been issued a suppliers license for each violation of this article.

SECTION 5. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have **either:**

(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or

(B) any other certification required by the commission if the United States Coast Guard discontinues issuing certificates of inspection to riverboats licensed under this article; and

(2) be at least one hundred fifty (150) feet in length.

(b) A riverboat that operates on Patoka Lake must:

- (1) have the capacity to carry at least five hundred (500) passengers;
- (2) be at least one hundred fifty (150) feet in length; and
- (3) meet safety standards required by the commission.

(c) This subsection applies only to a riverboat that operates on the



1 Ohio River. A riverboat must replicate, as nearly as possible, historic
2 Indiana steamboat passenger vessels of the nineteenth century.
3 However, steam propulsion or overnight lodging facilities are not
4 required under this subsection.

5 SECTION 6. **An emergency is declared for this act.**

C
o
p
y

